IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No. 309 of 1993

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UDEPUR PHOSPHATES & FETILIZER CO.LTD. & 1 - Appellant(s)
Versus
STATE OF GUJARAT - Opponent(s)

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Appearance :
MR PRAKASH K JANI for Appellant(s) : 1 - 2.
MR.A.J.DESAI, ADDL.PUBLIC PROSECUTOR for Opponent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE C.K.BUCH

Date : 13/02/2007

ORAL ORDER

Present appeal is preferred against the order of conviction and sentence passed by the learned Special Judge, Mehsana in Essential Commodities Case No.7 of 1991, tried summarily, has been heard thoroughly.

Mr.Jani, learned Counsel appearing for the appellants (original accused) has argued at length and learned A.P.P. for the respondent-State has also made submission.

Hearing was undertaken by the Court on 7th February, 2007 in the later part of the day, but the Court could not complete the hearing of the same and same was listed on 9th February, 2007. But on that day on account of leave

note filed by the learned Advocate for the appellants, the matter is adjourned to 12th February, 2007. The submissions were also made on 12th February, 2007 and it remained part-heard. Meanwhile, this Bench has undertaken the hearing of one contested matter arising out of criminal prosecution instituted by C.B.I. against one public servant serving with the Industry Department and the Court is in the midst of hearing of the appeal.

As the appeal is against the order of conviction and sentence, it would be in the interest of justice, that the operative order is dictated today on completion of hearing and the reasons can be assigned later on. Hence, keeping the reasons reserved, following operative order is passed.

Present Criminal Appeal is allowed. The judgment and order of conviction and sentence dated 20th February, 1993 rendered by the learned Special Judge, Mehsana in Essential Commodities Case No.7 of 1991 is hereby quashed and set aside. The appellants are acquitted of all the charges levelled against them of violating the provisions of Section 19 (1) of Fertilizer Control Order and under Sections 3 and 7 of the Essential Commodities Act. Fine, if paid by

the appellants, is ordered to be refunded to them on proper identification.

Bail Bonds executed by the appellants-accused shall stand discharged. Order and Direction accordingly.

(C.K.BUCH, J.)

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